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*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

\* \* \* \* \*

CASE NO.: 2:14-cv-01948-RFB-CWH

**STIPULATION AND ORDER TO  
DISMISS MGM RESORTS  
INTERNATIONAL WITHOUT  
PREJUDICE**

EMPLOYEE PAINTERS' TRUST;  
PAINTERS AND FLOORCOVERERS  
JOINT COMMITTEE; PAINTERS,  
GLAZIERS AND FLOORCOVERERS  
JOINT APPRENTICESHIP AND  
JOURNEYMAN TRAINING TRUST;  
PAINTERS ORGANIZING FUND;  
PAINTERS, GLAZIERS AND  
FLOORCOVERERS SAFETY TRAINING  
TRUST FUND; SOUTHERN NEVADA  
PDCA/FCA INDUSTRY PROMOTION  
FUND, by and through their designated  
fiduciary John Smirk; INTERNATIONAL  
UNION OF PAINTERS AND ALLIED  
TRADES INDUSTRY PENSION FUND;  
FINISHING CONTRACTORS INDUSTRY  
FUND; PAINTERS AND ALLIED TRADES  
LABOR MANAGEMENT COOPERATION  
INITIATIVE, by and through their designated  
fiduciary, Gary Meyers,

Plaintiffs,

vs.

PRACTICAL FLOORING, INC., a Nevada  
corporation; DANETTE LEE ROYBAL, an  
individual; LEO BERNARD ROYBAL, JR.,  
an individual; INTERNATIONAL  
FIDELITY INSURANCE COMPANY, a  
New Jersey corporation; AMERICAN  
CONTRACTORS INDEMNITY  
COMPANY, a California corporation;  
PLATTE RIVER INSURANCE COMPANY,

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a Wisconsin corporation; AUSTIN  
GENERAL CONTRACTING, INC., a  
Nevada corporation; MGM RESORTS  
INTERNATIONAL, a Delaware corporation;  
DOES I-X, inclusive; ROE ENTITIES I-X,  
inclusive,

Defendants.

The Plaintiffs identified above (hereinafter “Plaintiffs” or “Trusts”), acting by and through their attorneys, Christensen James & Martin, and the Defendant MGM RESORTS INTERNATIONAL (“MGM”), acting by and through its attorneys, Snell & Wilmer, hereby Stipulate and Agree (“Stipulation”) as follows:

1. Plaintiffs and Practical Flooring, Inc. have executed settlement documents (“Settlement”), effectively resolving all claims asserted in this Case. The Settlement calls for Practical Flooring, Inc. (“Practical Flooring”) to perform certain acts on or before the date of **April 1, 2017**. A stipulation and order to stay the case through that same date was filed on March 9, 2015 [Doc. 5].

2. The claims asserted against MGM are dismissed without prejudice.

3. MGM recognizes that the filing of the Complaint in this matter tolled the applicable statute(s) of limitation and agrees that the applicable statute(s) of limitation shall remain tolled pending Practical Flooring’s performance under the Settlement, despite the fact that MGM has been dismissed without prejudice.

4. Upon full performance by Practical Flooring of all acts required by the Settlement, the Plaintiffs and MGM shall file a stipulation of dismissal with prejudice.

5. Each Party shall bear its own attorney’s fees and costs incurred to date.

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CHRISTENSEN JAMES & MARTIN

SNELL & WILMER, LLP

By: /s/ Wesley J. Smith  
Wesley J. Smith, Esq.  
*Attorneys for Plaintiffs*

By: /s/ Marek P. Bute  
Marek P. Bute, Esq.  
*Attorneys for MGM Resorts  
International*

Date: March 11, 2015.

Date: March 11, 2015.


**IT IS SO ORDERED.**

DATED and done this 18th day of March, 2015.

Submitted by:

CHRISTENSEN JAMES & MARTIN

By: /s/ Wesley J. Smith  
Wesley J. Smith, Esq.  
Nevada Bar No. 11871  
*Attorneys for Plaintiffs*

  
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RICHARD F. BOULWARE, II  
United States District Judge

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